

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 14, 2009
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, April 14, 2009 at 9:00 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein William McMullen, Sherry Morrow and Richard Pierce. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum. Marvion Reichert, Sr. was present to address the Board and had questions about the public hearing on the Agenda for the diversion/acceleration of surface water in Elm Creek Township. County Surveyor Trenton Snow also presented copies of the survey on the Buffalo County owned property known as McCues that will be sold at 10:00 A.M. on April 30, 2009.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

1. Approve March 31, 2009 minutes
2. Accept reports
 - Buffalo County Treasurer March 2009 Fund Balance Report
 - Buffalo County Detention Center March 2009 Report
 - Buffalo County Veterans Service Office Quarterly Report
 - Clerk of the District Court March 2009 Report

JUSTICE CENTER PROJECT

Buster Beckenhauer, Construction Manager of the Justice Center Project was present for updated reports and discussion with the Board on Phase 1B and Phase 1C of the construction project. Moved by Klein and seconded by Greder to approve Contract Change Order 2 for the Phase 1B project. This is a compilation of Phase 1B Project Change Requests numbered 7, 8, 9, 10, 12, 13, 14, 15, 16, 17 and 19. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Dannehl, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Dannehl and seconded by Klein to approve the following Change Order Requests; Number 20 on the Phase 1B Project and Number 2, 3, 4 and 5 on the Phase 1C Project. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Greder, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. Notification of the Greater Kearney Area COAD meeting was received. Department of Environmental Quality sent notice of General Permit for Cattle in Open Lots. The NACO Legislative Report and the Buffalo County Community Partners News were received. Larry Dix informed Buffalo County of a webinar on the Energy Efficiency and Conservation Block Grant Program. Digger's Hotline of Nebraska sent the quarterly newsletter. Transportation Enhancement Program information was received from the Nebraska Department of Roads. Correspondence was received from Charter Communications regarding their financial restructuring process. Information about detention systems was received from Eagle Companies. The Jail Standards Inspection Report was received

from the Nebraska Jail Standards Board. Georgia Wright, Director of FEMA Region 7, sent meeting request to go over the floodplain maps. Chairman Pierce then called on each Board member present for committee reports and recommendation.

Charles McGraw, Transportation Director of Community Action Partnership was present to discuss grant funds available through the Federal Transit Act and the Nebraska Public Transportation Act. Moved by Morrow and seconded by Loewenstein to approve the following Resolution 2009-23. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

RESOLUTION 2009-23

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act (FTA) and for the Nebraska Public Transportation Act Funds, and

WHEREAS, Community Action Partnership of Mid Nebraska – RYDE Transit desires to apply for said funds to be used for providing public transportation for Buffalo County.

NOW THEREFORE, BE IT RESOLVED; that the Buffalo County Board of Supervisors hereby instructs Community Action Partnership of Mid Nebraska – RYDE Transit to apply for the above mentioned funds. Said funds are to be used for the Fiscal Year 2009-2010.

Moved by Greder and seconded by Loewenstein to ratify the decision to authorize Chairman Pierce to sign a letter of support for the Mental Health Jail Diversion Project. The letter of support was signed on March 31, 2009 by Chairman Pierce. The action taken was necessary to meet a deadline and the information was not received before the Agenda deadline. Upon roll call vote, the following Board members voted "Aye": Greder, Loewenstein, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to renew the membership contract with Great Plains Safety and Health Organization. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Discussion followed on the additional architectural services with Goldberg, Sullivan and McCrery Inc. No decision was made at this time.

Moved by Greder and seconded by Dannehl to approve the tax refund request submitted by County Treasurer Jean Sidwell for Brad and Jennifer Sughrue in the amount of \$123.98. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Morrow to approve the following Resolution 2009-24 to issue delinquent Tax Sale Certificates. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Dannehl, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

RESOLUTION 2009-24

WHEREAS, The Revised Statutes of Nebraska, Sec. 77-1809 and 77-1918, provides that upon the direction of the County Board of Supervisors, for the County Treasurer to issue Tax Sale Certificates in the name of the County, and

WHEREAS, the following list of legal descriptions have either delinquent taxes for the years 2001, 2002, 2003, 2004, 2005, 2006, 2007 and have been offered for sale at Public Sale, and have remained unsold for want of bidders,

NOW THEREFORE BE IT RESOLVED, that the Buffalo County Board directs the County Treasurer of Buffalo County, to place Tax Sale Certificates on all delinquent taxes and special assessments for 2001, 2002, 2003, 2004, 2005, 2006, 2007 and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

Moved by Dannehl and seconded by Klein to approve the following Resolution 2009-25 to set the hearing date and time for a petition to vacate an alley in Odessa. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Greder, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2009-25

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way:

All of that portion of the alley lying between lots Eighty-Three (83) through Eighty-Six (86) inclusive, and lots eighty-seven (87) through eighty-nine (89) inclusive, in Original Village of Odessa, Buffalo County, Nebraska together with any alley in vacated Odessa Street lying north and east of the northwest corner of Lot 89.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors sets down May 26, 2009 at 10:00 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16th & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT copy of this resolution shall be published for three consecutive weeks and notice shall be provided to adjoining landowners by registered or certified mail no less than two weeks in advance of the hearing.

Chairman Pierce turned the following Agenda item over to Supervisor McMullen who is the Road Committee Chairman. Supervisor McMullen instructed Clerk Giffin to open the sealed bids received for Steel. Clerk Giffin opened and read aloud the bids received from the following three companies: Midwest Service and Sales Company, Oden Enterprises and Husker Steel. Supervisor McMullen thanked the vendors and said that the bid decisions will be made at the next Board meeting on April 28, 2009.

Chairman Pierce announced that the Public Hearing that had been scheduled for 10:00 A.M. on the diversion/acceleration of surface water in Elm Creek Township has been rescheduled for 10:00 A.M. on April 28, 2009.

Moved by Loewenstein and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:15 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members voted "Aye". None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and County Treasurer Jean Sidwell were present. Moved by Greder and seconded by Dannehl to approve tax list corrections 3544 through 3555 submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Klein and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for South Central Behavioral Services Inc. on a 2009 Toyota Sedan. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Greder, Loewenstein, McMullen and Morrow. Abstain: Pierce. Motion declared carried.

Moved by McMullen and seconded by Morrow to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for Midwest District of the EFCA on a 2004 Buick 4 door, 2002 enclosed trailer and 2006 Chrysler van. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Dannehl, Greder, Klein, Loewenstein, and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for South Central Area Agency on Aging on a 2008 Mercury 4 door sedan. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, McMullen, Morrow and Pierce. Abstain: Klein. Motion declared carried.

Moved by Greder and seconded by Klein to recess the Board of Equalization at 10:22 A.M. and to return to the regular meeting of the Board of Supervisors. Upon voice vote all Board Members voted "Aye". None voted "Nay". Motion declared carried.

Chairman Pierce opened the public hearing at 10:30 A.M. to vacate a public road known as Airport Road located in Section 33, Township 9 north, Range 15 West, Buffalo County. Deputy County Attorney Andrew Hoffmeister reviewed the following draft Resolution 2009-26. No one was present to address the Board, so Chairman Pierce closed the public hearing at 10:35 A.M. Moved by McMullen and seconded by Loewenstein to approve the following Resolution 2009-26. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein, Morrow, and Pierce. Motion declared carried.

RESOLUTION 2009-26

WHEREAS, a Petition to vacate a road, alley, or other public way was properly filed for the following described road, alley, and/or public way:

A tract of land being a part of the Northeast Quarter of the Northwest Quarter and Northwest Quarter of the Northeast Quarter (NE1/4NW1/4, NW1/4NE1/4) of Section Thirty-three (33), Township Nine (9) North, Range Fifteen (15)

West of the Sixth Principal Meridian, Buffalo County, Nebraska, being a part of Avenue “A” (aka Airport Road) as shown on Midway Industrial District plat, but never dedicated, with said tract being more particularly described as follows: Referring to the Northwest Corner of the North Half of said Section 33; thence easterly on the North line of said North Half a distance of 2725.45 feet to the ACTUAL PLACE OF BEGINNING, said point being on the west line of Avenue “A” and the northeast corner of Tract B in said Midway Industrial District; thence southwesterly on the west line of Avenue “A” and the east line of said Tract B to a point on the north right-of-way line of US Highway No. 30; thence northeasterly on and along said right-of-way line a distance of 238.5 feet; thence northwesterly a distance of 645.0 feet to a point 66.0 feet southeasterly of, as measured at right angles to, the aforesaid west line of Avenue “A”; thence northeasterly parallel with and 66.0 feet southeasterly of the aforesaid west line to a point on the North line of the North Half of said Section 33; thence westerly on the aforesaid North line to the place of beginning, hereinafter described as “existing Airport Road”.

And,

WHEREAS, existing Airport Road as it is now known was never formally dedicated, laid out, and/or platted. Existing Airport Road exists due to the public use of land as a road situated adjacent to and east of Tract B in Midway Industrial District. There is a survey of record describing existing Airport Road’s western boundary all as noted later in this Resolution. However there is no surveyed legal description as it now exists, and

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of such public road or way as it now exists and has submitted a written report to the Board recommending that existing Airport Road should be vacated and abandoned upon completion of its relocation to the east; and

WHEREAS, the Board offered to relinquish existing Airport Road by written notification to the Center Township and said Township has not responded and thereby has declined to accept this road should Buffalo County vacate or abandon this road or public way; and

WHEREAS, the proposed portion of existing Airport Road to be abandoned lies within the zoning jurisdiction of the City of Kearney, Nebraska and such municipality has consented to the proposed vacation of the above described portion of Airport Road, and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, City of Kearney’s consent to this action, and acquiescence from Center Township, this Board on January 27, 2009 adopted Resolution 2009-02, which set March 10, 2009 at 10:00 a.m. in the Buffalo County Boardroom, Buffalo County Courthouse, 16th and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether this portion of existing Airport Road should be abandoned or vacated with notice as provided by law, and

WHEREAS, a copy of Resolution 2009-02 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on March 10, 2009 at 10:00 o’clock, a.m., this Board did not conduct a public hearing to consider vacation or abandonment existing Airport Road. However at such date and time a survey was presented to the Board concerning layout of the existing Airport Road and its relocation during another public hearing. That public hearing concerned an amendment to a legal description of a boundary of an Industrial Development District. Existing Airport Road’s west street line established a boundary for that district and the District’s boundary changed as a result of that hearing. The District’s boundary has moved east to the west street line of relocated Airport Road. Although discussion may have occurred concerning existing Airport Road’s layout on the survey and change in district boundaries affected by the relocation, there was no specific discussion of abandonment of it. During the hearing concerning amendment of the legal description of the Industrial Development District boundaries, representatives of adjoining land were present and did not object as to relocation of Airport Road as reflected on survey presented to the Board at that hearing, and

WHEREAS, in the March 10, 2009 meeting the west boundary of existing Airport Road where it intersects with 39th Street as described as :

Referring to the North Quarter Corner of Said Section Thirty-Three (33), thence N89°49’55”E (assumed bearing) on the north line of said Section 33, 71.36 feet to a point on the west right-of-way line of existing Airport Road.” Further the west boundary of existing Airport Road extended from that point 1333.86 feet to Airport Road’s intersection with U.S. Highway #30, and

WHEREAS, upon legal advice given to the Clerk the public hearing concerning potential abandonment or vacation of the road was rescheduled to March 24, 2009 at 10:00 o'clock, a.m. with written notice again given to adjoining landowners, and,

WHEREAS, on March 24, 2009 this Board conducted a public hearing concerning whether existing Airport Road should be vacated or abandoned. At such meeting no one present objected to vacation or abandonment of existing Airport Road. Petitioners appeared and stated that they desired that this road be vacated and abandoned. They further stated that it was necessary to have this road moved to expand Baldwin Manufacturing and to improve the U.S. Highway #30 entrance to the Kearney Regional Airport. Furthermore, this vacation and abandonment would probably be better referred to as relocation rather than an abandonment or vacation because the relocated Airport Road was near completion of construction at time of the public hearing.

WHEREAS, at conclusion of the public hearing held March 24, 2009 the Board set April 14, 2009 10:30 o'clock a.m., the next regularly scheduled public hearing following the abandonment/vacation public hearing, as date and time for decision by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of this portion of Airport Road as in the judgment of this board and the public good may require, and

WHEREAS, the Buffalo County Board of Supervisors finds that:

1. The Buffalo County Highway Superintendent has recommended vacation or abandonment of existing Airport Road when the relocated Airport's Road construction is completed.
2. The Center Township Board when offered existing Airport Road refused to accept this road.
3. Existing Airport Road is within the zoning jurisdiction of the City of Kearney, a city of the first class, and the City of Kearney consented to the vacation or abandonment.
4. All necessary public publications and notices to adjoining landowners have been given.
5. Existing Airport Road lies east of the Baldwin Filters manufacturing plant east of Kearney on U.S. Highway #30. It runs north from U.S. Highway #30 as an airport entry road. The survey presented to the Board March 10, 2009 and later reviewed by this Board reflects that existing Airport Road will be relocated to the east. This relocated Airport Road will provide access to the Kearney Municipal Airport from U.S. Highway #30 when completed. This relocated Airport Road, road at time of the Board public hearings, was all but practically completed excepting its entrance onto U.S. Highway #30.
6. Although this action is phrased as a "vacation" or "abandonment", it is probably more of a relocation of existing Airport Road to a location further east all as reflected on survey submitted at public hearing.
7. No conditions or reservations should be retained by the public as concerns this road when it is vacated or abandoned, other than the continued occupation of any public utilities that now occupy the public right-of-way. Additionally excepted from this is that public road use of existing Airport Road should remain open to the public until completion of construction and opening of the relocated Airport Road.
8. No public purpose would be served to keep existing Airport Road open after public opening of access to relocated Airport Road.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the above described public road shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to said vacated and abandoned section of road shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however to:

1. The continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.
2. The continued public road use of existing Airport Road until opening of relocated Airport Road on to U.S. Highway #30, immediately thereafter without further action of this Board, the existing Airport Road entrances on the north and south entry points may be barricaded or blocked by city, county, State, and/or private owners of the reverted lands, and its use as a public road shall cease.

Tim Shada and Stephanie Unger were present to review and discuss Coventry employee health insurance plans for Buffalo County.

ZONING

Chairman Pierce opened the Zoning public hearings at 11:00 A.M. Deputy County Attorney Melodie Bellamy and Zoning Administrator LeAnn Klein were present at this time. The first hearing was for a request submitted by Mark Meyer and Onion Crest, LLC for a special use permit in part of the East Half of the West Half of Section 8, Township 9 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska for aircraft hangars with residences. Applicant Mark Meyer and Richard Miller, Aviation Consultant for Cartell Inc. were present to address the Board. Waylon Woods voiced his opinion about the necessity of more airplane hangars in the Kearney area. Phillip Jossi also spoke in favor of the permit issuance for the economic development the airpark would provide. Six people addressed the Board asking them to deny the special use permit. Dale Rees, Doug Torrey, Don Ulrich, Ed Uden, Michael Davia and Kathy Ulrich voiced the repeated concerns of the noise level, lowering their property value, degrading the quality of lifestyle, and referred back to the Board decision in Resolution 2008-65 which was a denial of the special use permit which included commercial activity. Presented at this hearing were Exhibit Number 1; a handout from Ed Uden and Exhibit Number 2; a letter submitted prior to the meeting from Lewis and Arlys Torrey. Chairman Pierce closed the public hearing at 11:55 A.M. and the decision will be made on this special use permit request at the June 9, 2009 Board meeting.

Chairman Pierce opened the hearing for the Administrative Subdivision submitted by Marian Schake and Kent Schake for part in the SE 1/4 of the SW 1/4 & part of the SW 1/4 of the SE1/4 of Section 32, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska to be known as Schake Acres. Deputy County Attorney Andrew Hoffmeister reviewed the following draft Resolution 2009-27. Applicant Marian Schake was present. No one else was present to address the Board and Chairman Pierce closed the public hearing at 12:07 P.M. Moved by Greder and seconded by McMullen to approve the following Resolution 2009-27. Upon roll call vote, the following Board members voted “Aye”: Greder, McMullen, Dannehl, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

RESOLUTION 2009-27

WHEREAS, Marian Schake and Kent Schake, hereinafter referred to as “applicants” have filed for an administrative Subdivision for part in the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section Thirty-Two (32), Township Ten (10) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska to be known as Schake Acres with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on April 14, 2009 this Board conducted a public hearing considering this request to amend zoning map and finds:

1. The proposed Schake Acres is located in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County’s Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. Access to the proposed subdivision to a public road is provided by private easement through land owned by applicants. At public hearing this was referred to as a driveway. This access serves only one lot subdivided in Schake Subdivision.
4. There is no need for, nor is there a required dedication of, additional public right-of-way.
5. The land sought to be proposed is within a one-mile radius of the incorporated Village of Riverdale. Although Riverdale could exercise zoning jurisdiction of this proposed subdivision, Buffalo County has not received any official communication from Riverdale indicating Riverdale exercises zoning jurisdiction outside of its corporate limits. Therefore Buffalo County is the governmental unit charged with zoning powers as concerns the proposed subdivision.
6. Title search paperwork has been provided to the Buffalo County Attorney’s Office and that office has cleared title based upon the title search documents delivered to that office by applicants.
7. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of “SCHAKE ACRES”, a subdivision being part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section Thirty-Two (32), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certifies, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairman Pierce opened the hearing for the Administrative Subdivision submitted by Bob Peterson Farms, Inc. for part of the SE 1/4 of the SE 1/4 of Section 30, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska to be known as Peterson Acres Subdivision. Applicant Bob Peterson was present and the draft Resolution was reviewed by Deputy County Attorney Hoffmeister. No one else was present to address the Board and Chairman Pierce closed the public hearing at 12:12 P.M. Moved by Greder and seconded by Loewenstein to approve the following Resolution 2009-28. Upon roll call vote, the following Board members voted “Aye”: Greder, Loewenstein, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2009-28

WHEREAS, Bob Peterson Farms, Inc. for part of the Southeast Quarter of the Southeast Quarter of Section Thirty (30), Township Ten (10) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska to be known as Peterson Acres with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on the Zoning Administrator forwarded the proposed subdivision this Board, and

WHEREAS, on April 14, 2009 this Board conducted a public hearing considering the proposed subdivision and finds:

1. The proposed subdivision referred to as Peterson Acres is located in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County’s Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. Access to the proposed subdivision to a public road is provided by opened county roads that abut the proposed subdivision.
4. The additional dedication of public right-of-way is accepted as laid out on the proposed plat.
5. The land sought to be proposed is close to within a one-mile radius of the incorporated Village of Riverdale. Although Riverdale could exercise zoning jurisdiction of this proposed subdivision, Buffalo County has not received any official communication from Riverdale indicating Riverdale exercises zoning jurisdiction outside of its corporate limits. Therefore Buffalo County is the governmental unit charged with zoning powers as concerns the proposed subdivision.
6. Title search paperwork has been provided to the Buffalo County Attorney’s Office and that office has cleared title based upon the title search documents.
7. This proposed administrative subdivision should be approved together with the dedication of additional right-of-way.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of “PETERSON ACRES”, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section Thirty (30), Township Ten (10) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska duly made out, acknowledged and certifies, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairman Pierce opened the public hearing for the Minor Subdivision submitted by Neal and Glenda Parker for Homestead Subdivision, being Lots 5 and 6, Block 4, located in the NE 1/4 of the NW 1/4 of Section 20, Township 9 North, Range 16 West of the 6th p.m., Buffalo County Nebraska. Applicant Glenda Parker was present and the draft Resolution was reviewed by Deputy County Attorney Hoffmeister. No one else was present to address the Board and Chairman Pierce closed the public hearing at 12:20 P.M. Moved by McMullen and seconded by Klein to approve the following Resolution 2009-29. Upon roll call vote, the following Board members voted “Aye”: McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

RESOLUTION 2009-29

WHEREAS, Neal and Glenda Parker filed for a minor subdivision change for lot line for Lots Five (5) and Six (6), Block Four (4), Homestead Subdivision, located in the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section Twenty (20), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on April 14, 2009 this Board conducted a public hearing considering this request and finds:

1. The proposed minor subdivision change concerns property situated in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska. These lots involved in this request were laid out prior to the effective date of Buffalo County's Zoning Resolution. The lots as originally laid out are noncompliant lots of record because they are of insufficient size for the AGR Zoning District. Previously the Buffalo County Board of Zoning Adjustment granted a variance to the change of lot line to extent reflected on survey given to this Board at the public hearing.
2. The proposed minor subdivision change reflected on survey given to this Board fulfills Buffalo County's Subdivision Resolution requirements for minor subdivision changes specifically allowed under Section 3.20 together with other provisions applicable thereto.
3. No public utilities occupy lot line proposed to be moved.
4. The proposed minor subdivision change should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that proposed minor subdivision change concerning the legal tracts previously identified is approved and the Chairperson of this Board and all other Buffalo County zoning officials are authorized to sign and file the proposed minor subdivision change.

Buster Beckenhauer from Beckenhauer Construction returned to the meeting and asked for direction on what will be Change Request 21 on the Phase 1B Project. This was discussion only and the formal request for change will be at the next Board meeting on April 28, 2009.

At 12:30 P.M declared the meeting adjourned until the meeting on Tuesday, April 28, 2009 at 9:00 A.M Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.